

In the High Court for the States of Punjab and Haryana, at Chandigarh.

RSA No. 791 of 2007 (O&M)
Decided on March 09,2007.

Bhupinder & Others --- Appellants

vs.

Sat Pal and another --- Respondents.

Present: Mr. R.K.Gupta, Advocate, for the appellants.

Pritam Pal,J: (Oral)

Delay of 209 days in re-filing this appeal is condoned for the reasons mentioned in the application. CM stands disposed of.

FAO No. 791 of 2007 (O&M)

This Regular Second Appeal is directed by the Legal representatives of plaintiff-Rameshwar (since dead) (hereinafter referred to as the appellants) against impugned judgment dated November 17,2003, passed by learned Civil Judge (Junior Division) ,Jagadhri, whereby a suit for declaration to the effect that he (Rameshwar) was the owner in possession to the extent of ½ share of the disputed land, situated in village Machhrauli, Tehsil Jagadhri, District, Yamuna Nagar, shown in the heading of the plaint,was dismissed. Thereafter, an appeal filed by the LRs of said Rameshwar was also met with the same fate, vide impugned judgment and decree dated March 21,2006, passed by learned Additional District Judge, Jagadhri.

Suffice it to say, that plaintiff (Rameshwar) had sought a declaration and possession of the disputed land on the basis of a Will dated February 10,1970, which was ultimately found to be invalid and void by the Courts below. There are concurrent findings of the Courts below that earlier also, the testator had executed another Will in the year 1960 and in the aforesaid latest/subsequent Will dated February 10, 1970, there was no mention of the earlier Will. After discussing the evidence at length, the latest Will was not found to be genuine. A perusal of the impugned judgments and decree passed by the Courts below goes a long way to show that the concurrent findings arrived at on the crucial issues framed by the learned trial Court on April 22,1994/July 16,1996, are neither , in any way perverse, nor unreasonable. Further, it is also to add here that the learned counsel for the appellants could not make out any substantial question of law for consideration by this Court.

Hence, this appeal stands dismissed in *limine*.

March 09,2007
RR

(Pritam Pal)
Judge